

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In Re: )  
 ) No. 17-70492-JAD  
GERALD MILLER and CATHERINE )  
MILLER )  
 )  
Debtors. )

**OBJECTION TO DEBTORS' CHAPTER 13 PLAN DATED JULY 5, 2018**

Creditor Fox's Pizza Distribution, Inc., by and through its counsel, Jacob Oresick, Esquire, files the following as its objection to the Debtors' Chapter 13 Plan Dated July 5, 2018, and in support thereof states as follows:

1. Creditor Fox's Pizza Distribution, Inc. holds an unsecured claim in the amount of \$7,817.16 arising from goods sold to Debtors.
2. Creditor Fox's Pizza Distribution, Inc. objects to the Plan in that the Plan fails to pay unsecured creditors the full sum of amounts due.
3. Creditor Fox's Pizza Distribution, Inc. objects to the Plan in that the Plan fails to pay unsecured creditors an adequate sum of amounts due.
4. Creditor Fox's Pizza Distribution, Inc. objects to the Plan in that the Plan fails to pay unsecured creditors despite the Plan being overfunded and the Debtors being capable of providing payment to unsecured creditors.
5. Creditor Fox's Pizza Distribution, Inc. asserts that the Plan cannot be confirmed unless it provides for the payment of net disposable income to unsecured creditors. *In re Turpen*, 218 B.R. 908, 916 (Bankr. N.D. Iowa 1998); *In re Rogers*, 65 B.R. 1018 (Bankr. E.D. Mich. 1986).

Respectfully Submitted,

CREENAN & BACZKOWSKI, PC

BY: /s/ Jacob Oresick  
Jacob Oresick, Esquire  
Pa. Id. No. 314852

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*Counsel for Fox's Pizza  
Distribution, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **OBJECTION TO DEBTORS' CHAPTER 13 PLAN DATED JULY 5, 2018** was electronically filed and is available for viewing and downloading from the ECF System and was sent to all counsel of record this 5<sup>th</sup> day of April, 2019, via electronic service through the ECF System.

Respectfully Submitted,

CREENAN & BACZKOWSKI, PC

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